

REMARKS

Claim 14 has been amended. Claims 23 and 24 have been cancelled, and claim 24 has been incorporated into claim 14. No new matter has been added. Claims 1-7, 10-20 and 25-30 are pending in this application.

Status of Claims

The present Office Action lists claims 1-5, 10-18 and 23-29 as pending. Applicants respectfully disagree with this listing, as it omits claims that have been elected as part of an election of species. The listing of pending elected claims prior to entry of this amendment should be claims 1-7, 10-20, and 23-30. Applicants respectfully request that the Examiner either confirm this listing of elected claims or provide reasons why this listing may be incorrect.

As noted in the Appeal Brief filed April 30, 2003, the first Office Action in this application, mailed March 13, 2002, indicated that an election of claims was made over the telephone, electing claims 1-31 for prosecution on the merits and allowing claims 32-35 to be withdrawn from consideration [Paper No. 5, p. 3]. This first Office Action further required an election of species within claims 1-31. In the Response To Office Action filed July 11, 2002, the election of claims 1-31 was confirmed, and Applicants further elected the species reciting "hydroxyl-functional polyester diols" and claims 6, 7, 12, 19, 20, 26 and 30 [Paper No. 6, pp.1-2]. The other species, which was not elected, recited "fatty alkyl capped complex polyesters" and included claims 8, 9, 12, 21, 22, 26, and 31. It is noted that claims 12 and 26 recite polyesters from both of these species, and are thus included in the listing of elected claims.

Applicants note that the first Office Action stated that claim 1 is generic. Accordingly, if claim 1 is held to be allowable, Applicants will request that withdrawn claims 8, 9, 21, 22 and 31 be allowed also. Moreover, Applicants point out that originally elected claims 1-31 are directed to a product, whereas withdrawn claims 32-35 are directed to a method of making the product. If the elected product claims are

held to be allowable, Applicants will request that method claims 32-35 be rejoined to claims 1-31, pursuant to MPEP § 821.04.

Rejections under 35 U.S.C. § 102

Claims 1-5, 14 and 16-18 were rejected under 35 U.S.C. § 102(b) over Siegfried et al. (U.S. Pat. No. 5,989,527). The Office Action asserts that Siegfried et al. teaches lotion compositions containing a polyester, an organic acid such as citric acid and malic acid, and other ingredients such as emulsifiers and emollients.

The rejection of claims 1-5 as anticipated by Siegfried et al. is respectfully traversed, as the reference does not disclose each and every element of the claims. Specifically, Siegfried et al. does not disclose a tissue product in which an anti-viral lotion is applied to a surface of the tissue product. Claims 1-5 all recite a "tissue product" in the preamble. According to the guidelines of MPEP § 2111.02, the term "tissue product" in the preamble of the claims cannot be ignored, as this term describes the structure of the claimed product. Siegfried et al. only discloses topical compositions, not combinations of topical compositions with a tissue or other substrate, and the Office Action has not asserted that the reference discloses a combination of a topical composition with a tissue product. The Siegfried et al. reference fails to disclose each and every element of claims 1-5. Accordingly, Siegfried et al. cannot anticipate these claims, and Applicants request that this rejection be withdrawn.

The rejection of claims 14 and 16-18 as anticipated by Siegfried et al. has been obviated by appropriate amendment. Claim 14 has been amended to include claim 24, and now recites that the lotion composition comprises a cationic surfactant. As noted on page 4 of the Office Action, Siegfried et al. does not disclose a cationic surfactant. The Siegfried et al. reference fails to disclose each and every element of claims 14 and 16-18 as amended. Accordingly, Siegfried et al. cannot anticipate these claims, and Applicants request that this rejection be withdrawn.

Rejections under 35 U.S.C. § 103

Rejection over Siegfried et al.

Claims 1-5 and 14-18 were rejected under 35 U.S.C. § 103(a) over Siegfried et al.. The Office Action asserts that Siegfried et al. teaches how to determine the amount of organic acid to be used in a topical composition, and that the claimed products would result from routine experimentation give this teaching.

The rejection of claims 1-5 as obvious over Siegfried et al. is respectfully traversed. As noted above, the reference does not disclose a tissue product in which an anti-viral lotion is applied to a surface of the tissue product. Siegfried et al. only discloses topical compositions and does not teach or suggest combinations of topical compositions with a tissue or other substrate. Moreover, the Office Action has not asserted that the reference teaches or suggests a combination of a topical composition with a tissue product. The Siegfried et al. reference fails to teach or suggest each and every element of claims 1-5. Accordingly, these claims are not obvious over Siegfried et al., and Applicants request that this rejection be withdrawn.

The rejection of claims 14-18 as obvious over Siegfried et al. has been obviated by appropriate amendment. As noted above, claim 14 as amended recites a lotion composition comprising a cationic surfactant. Siegfried et al. does not teach or suggest a lotion composition comprising a cationic surfactant, as noted on page 4 of the Office Action. The Siegfried et al. reference fails to teach or suggest each and every element of claims 14-18 as amended. Accordingly, these claims are not obvious over Siegfried et al., and Applicants request that this rejection be withdrawn.

Rejection over Siegfried et al. in view of Luu et al.

Claims 1-5, 10-18 and 23-29 were rejected under 35 U.S.C. § 103(a) over Siegfried et al. in combination with Luu et al. (U.S. Patent No. 5,871,763). The Office Action asserts that Luu et al. teaches a tissue product treated with a lotion composition, where the lotion composition includes a cationic surfactant, an emollient and an anti-viral agent. The Office Action further asserts that the combination of the tissue product

of Luu et al. with the lotion of Siegfried et al. would provide the tissue products and lotions as recited in the claims.

The rejection of the claims as obvious over Siegfried et al. in combination with Luu et al. is respectfully traversed. Applicants point out that the Office Action has not established a *prima facie* case of obviousness under 35 U.S.C. § 103 as a basis for rejection of these claims. The Office Action has not provided a suggestion or motivation to combine the teachings of the references to provide the tissue products or lotions as claimed. Rather, the Office Action asserts that the lotion compositions of Siegfried et al. and Luu et al. are useful for the same purpose, and that their combination would provide a third composition useful for that same purpose, specifically for a lotion that is non-greasy and smooth feeling.

Applicants respectfully traverse the Office Action's assertion that the lotion compositions of Siegfried et al. and Luu et al. are useful for the same purpose. Applicants have previously discussed the purpose of the lotion of Luu et al. in the Response to Office Action filed July 11, 2002, and in the Appellants' Brief filed April 30, 2003. As noted on pages 4-5 of the Office Action, the primary objective of Luu et al. is to provide a lotion that has a "non-greasy feeling." [col. 3, lines 48-51]. This is accomplished by preparing the lotion from relatively higher melting point components that are *solids* on the tissue product, and that may melt and then resolidify when transferred from the tissue to the user's skin [col. 3, lines 61-65]. In accordance with these teachings, the lotion of Luu et al. preferably includes a high concentration (25% - 90%) of a retention/release agent having a melting onset between 30 °C and 65 °C [col. 5, lines 55-57 and col. 6, lines 50-53]. The retention/release agent may be a polymer "having an appropriate melting range" [col. 6, lines 64-65].

In contrast, the lotion of Siegfried et al. includes a low concentration of polyester delivery aid, preferably from 0.5 weight percent (wt%) to 25 wt% [col. 13, lines 12-16]. This concentration range is disclosed with reference to the exfoliating lotion compositions of Siegfried et al., which are the only compositions disclosed as including an organic acid active ingredient [col. 10, line 44 – col. 11, line 36]. Referring to Example 1 [col. 18, line 10 – col. 21, line 7], in the exemplary exfoliating lotion

compositions, the concentration of polyester delivery aid is only 5 wt%, and the concentration of the entire oil phase (part B) is only 10.5 wt%, much lower than the preferred concentrations of the retention/release agents of Luu et al..

Moreover, the polyesters of Siegfried et al. are liquid at room temperature. Attached at Appendix A is a Material Safety Data Sheet (MSDS) for trimethylpentanediol/adipic acid copolymer, where the copolymer is in diol form. Attached at Appendix B is an MSDS for trimethylpentanediol/adipic acid copolymer, where the copolymer is in fatty alkyl capped form. These polyesters are indexed to the Siegfried et al. reference (U.S. Pat. No. 5,989,527) on page 1, section 3 of each MSDS. In the physical and chemical properties listed on page 3, section 9 of each MSDS, the melting point of these polyesters is reported as less than 25 °C. The polyesters of Siegfried et al. are thus liquids at room temperature and do not have the "appropriate melting range" of 30 °C and 65 °C as specified by Luu et al..

Accordingly, the use of liquid polyester delivery aids at low concentrations according to Siegfried et al. is incompatible with the use of high melting retention/release agents at high concentrations according to Luu et al.. The lotions disclosed in the applied references are clearly not intended for the same purpose. Moreover, it is unclear what purpose a lotion would have if formed by combining the teachings of the references.

A *prima facie* case of obviousness over Siegfried et al. in view of Luu et al. has not been presented. There is no evidence on the record of any tangible suggestion or motivation to combine the disclosures of the references. The polyesters of Siegfried et al. would destroy the intended function of Luu et al., and there is no teaching or suggestion in Luu et al. to include liquid polyester delivery aids. In addition, there is no teaching or suggestion in Siegfried et al. that exfoliating lotion compositions should be modified to include a cationic surfactant or to be applied to a tissue product. Accordingly, the pending claims are not obvious under 35 USC § 103 over Siegfried et al. or Luu et al., alone or in combination, and Applicants request that this rejection be withdrawn.

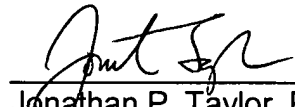
CONCLUSION

In conclusion, all of the grounds raised in the outstanding Office Action for rejecting the application are believed to be overcome or rendered moot based on the remarks above. Thus, it is respectfully submitted that all of the presently presented claims are in form for allowance, and such action is requested in due course. Should the Examiner feel a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned.

Submitted herewith is a Petition for Extension of Time for three (3) months.

Respectfully submitted,

2/4/04



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Appl. No. 09/753,136
Amdt. dated February 4, 2004
Reply to Office action of August 12, 2003

APPENDIX A

Materials Safety Data Sheet (MSDS) for trimethylpentanediol / adipic acid copolymer.

Available from INOLEX CHEMICAL COMPANY, Jackson & Swanson Streets,
Philadelphia, PA 19148.



MATERIAL SAFETY DATA SHEET

Product Name: **LEXOREZ[®] TL-8**
Product Id Number: 62771
Revision Date: 06/11/2003

1. CHEMICAL PRODUCT AND COMPANY IDENTIFICATION

Product Name: **LEXOREZ[®] TL-8**
Synonym(s): Trimethylpentanediol / Adipic Acid Copolymer

MANUFACTURED / SUPPLIED BY:

Inolex Chemical Company
Jackson & Swanson Streets
Philadelphia, PA
19148-3497
215-271-0800
215-271-2621 fax

PREPARER: Glenn Tashjian
FORMULA: Unspecified

2. COMPOSITION/INFORMATION ON INGREDIENTS

Hazardous ingredients are listed if they comprise $\geq 1.0\%$ by weight. "Special Hazardous Substances or Carcinogens" are listed if they comprise $\geq 0.1\%$ by weight.

EXPOSURE LIMITS:

PRODUCT COMPOSITION:	APPROX.	ACGIH TLV	OSHA PEL			
CAS REG NO.	WGT. %	TWA	STEL	TWA	STEL	UNITS

NON-HAZARDOUS COMPONENTS

Hexanedioic acid, 2,2,4-Trimethyl-1,3-Pentanediol Polymer						
26139-53-7	> 99 %	None	None	None	None	ppm

3. HAZARDS IDENTIFICATION

EMERGENCY OVERVIEW:

No unusual safety, fire, or spill hazards. Consult following MSDS sections for further information. ** U.S. Patents No. 5,833,961 and 5,989,527 **

EFFECTS FROM ACUTE EXPOSURE:

INGESTION:

None known

SKIN CONTACT:

Non-Irritating to Skin.

INHALATION:

None known.

EYE CONTACT:

May cause minimal eye irritation.

MEDICAL CONDITIONS AGGRAVATED:

None known.

SUBCHRONIC (TARGET ORGAN) EFFECTS: An adverse effect with symptoms that develop slowly over a long period of time.

None known.

CHRONIC EFFECTS/CARCINOGENICITY:

Not listed in IARC, NTP or 29CFR.

INOLEX CHEMICAL COMPANY

LEXOREZ[®] TL-8

PRODUCTS/INGREDIENTS: The ingredients that are carcinogens are listed here, with specific information about their carcinogenicity.

None

PRINCIPLE ROUTES OF EXPOSURE:

None known.

OTHER:

None known.

4. FIRST AID MEASURES

INGESTION:

If swallowed, observe victim for 24 hours; seek medical attention if indicated. If vomiting occurs, keep head lower than hips to prevent aspiration.

SKIN:

For skin contact, wipe away excess material with dry towel. Then wash affected areas with plenty of water, and mild soap if available, for several minutes. Get medical attention if irritation occurs.

INHALATION:

If inhaled, remove from area to fresh air. Get medical attention if respiratory irritation develops or if breathing becomes difficult.

EYES:

In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Get medical attention if irritation occurs.

NOTE TO PHYSICIAN:

Treatment based on sound judgment of physician and individual reactions of patient.

5. FIRE FIGHTING MEASURES

FLASH POINT:

> 200 C

METHOD: The test method used is listed as closed cup (PMCC TCC) or open cup (COC):
COC

FLAMMABLE LIMITS IN AIR - UPPER (%): Maximum % by volume of vapor in air above which propagation of flame does not occur on contact with a source of ignition:

N/D

SENSITIVITY TO MECHANICAL IMPACT (Y/N):

NO

SENSITIVITY TO STATIC DISCHARGE:

Sensitivity to static discharge is not expected.

EXTINGUISHING MEDIA:

Water fog, carbon dioxide, foam, dry chemical

SPECIAL FIREFIGHTING PROCEDURES:

Fire-fighters should wear self-contained breathing apparatus and full protective clothing when fighting chemical fires. Use water spray to cool nearby containers and structures exposed to fire. Containers can build up pressure if exposed to heat (fire). Fire involving large amounts of material should not be approached because individual containers may rupture abruptly causing "fireball" effect.

6. ACCIDENTAL RELEASE MEASURES

ACTION TO BE TAKEN IF MATERIAL IS RELEASED OR SPILLED:

Wipe, scrape or soak up in an inert material and put in a container for disposal. Wash walking surfaces with detergent and water to reduce slipping hazard. Wear proper protective equipment as specified in the protective equipment section. Large quantity spills should be contained and pumped into drums for recovery or disposal.

7. HANDLING AND STORAGE

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORAGE:

Keep container closed when not in use. Good hygienic practices should be observed. Work clothes should be washed separately at the end of each work day. Disposable clothing should be discarded with material.

NFPA:

HMIS:

INOLEX CHEMICAL COMPANY

LEXOREZ[®] TL-8

HEALTH **0**
FLAMMABILITY **1**
OTHER **N/A**

HEALTH **0**
FLAMMABILITY **1**
PPE **B**

8. EXPOSURE CONTROLS/PERSONAL PROTECTIONENGINEERING CONTROLS:

None required.

RESPIRATORY PROTECTION EQUIPMENT:

None required under normal conditions.

PROTECTIVE GLOVES:

Use gloves as a standard industrial handling procedure.

EYE AND FACE PROTECTION:

Wear safety glasses or goggles to protect against exposure.

OTHER PROTECTIVE EQUIPMENT:

None Required

VENTILATION:

No unusual ventilation required.

9. PHYSICAL AND CHEMICAL PROPERTIES

BOILING POINT> 300 C
VAPOR PRESSURE< 0.1 mm Hg
VAPOR DENSITY (AIR=1)N/D
FREEZING POINTN/D
MELTING POINT< 25 C
PHYSICAL STATEViscous Liquid
ODORCharacteristic Bland Odor
COLORClear, Light Amber
ODOR THRESHOLD (PPM)N/D
EVAP. RATE(BUTYL ACETATE=1)Negligible
POUNDS/GALLON (Water=8.3)8.8
DENSITY @ 25°C (WATER=1)1.05 @ 25 C
ACID/ALKALINITY (MEQ/G)N/D
PHN/A
VOC (EPA METH.24) (G/L)N/D, Polymer
SOLUBILITY IN WATER (20 C)INSOLUBLE
SOLUBILITY IN ORGANIC SOLVENTSN/D
VISCOSITY:7,000 cps @ 25 C

10. STABILITY AND REACTIVITYSTABILITY:**STABLE**HAZARDOUS POLYMERIZATION:**WILL NOT OCCUR**HAZARDOUS THERMAL DECOMPOSITION/COMBUSTION PRODUCTS:**No unusual decomposition products known.**INCOMPATIBILITY (MATERIALS TO AVOID):**None known.**CONDITIONS TO AVOID:**None known.****11. TOXICOLOGICAL INFORMATION**

ACUTE ORAL LD50 (MG/KG): > 5,000 mg/Kg
ACUTE DERMAL LD50 (MG/KG): **Unknown**
ACUTE INHALATION LC50 (MG/L): **Unknown**
AMES TEST: **Unknown**
OTHER:

Testing on similar products was found to be of low toxicity and low irritancy to skin and eyes. This product has not been tested on animals. Toxicity information is derived from

INOLEX CHEMICAL COMPANY**LEXOREZ[®] TL-8**

testing conducted on similar products. Human Patch Test,RIPT, involving 50 subjects did not indicate a potential for dermal irritation or allergic contact sensitization.

12. ECOLOGICAL INFORMATIONECOTOXICOLOGICAL INFORMATION:

No data at this time

CHEMICAL FATE INFORMATION:

No data at this time.

13. DISPOSAL CONSIDERATIONSDISPOSAL METHOD:

As local regulations may vary; all waste must be disposed/recycled/reclaimed in accordance with federal, state, and local environmental control regulations.

14. TRANSPORT INFORMATION

DOT SHIPPING NAME: Non-Regulated
DOT HAZARD CLASS: Non-Regulated
DOT LABEL(S): NONE
UN/NA NUMBER: NONE
PLACARDS: NONE

INTERNATIONAL TRANSPORTATION CLASSIFICATIONS:

RID, European Railroad hazard class: Not Available
IATA, International Air Transportation: Not Available
IMDG, International Maritime Dangerous Goods: NONE

15. REGULATORY INFORMATION

TSCA STATUS: All components of this product are listed on the TSCA Inventory.

SARA SECTION 302: None Found

SARA (311,312) HAZARD CLASS: NONE

SARA (313) CHEMICALS:

THIS PRODUCT DOES NOT CONTAIN A TOXIC CHEMICAL FOR ROUTINE ANNUAL 'TOXIC CHEMICAL RELEASE REPORTING' UNDER SECTION 313 (40 CFR 372)

CERCLA HAZARDOUS SUBSTANCE: Not a listed EHS

CERCLA REPORTABLE QUANTITY: No listed reportable quantity

CALIFORNIA PROPOSITION 65: NONE

INTERNATIONAL REGULATORY STATUS:

CANADIAN (DSL) INVENTORY: Listed on NDSL

WHMIS HAZARD CLASS: NON-CONTROLLED
WHMIS TRADE SECRET: None

EXPORT:

SCHDLE B/HTSUS: (Tariff Classification #) 3907.99.0000 (polyesters)
ECCN: (Export Commodity Control Number) Not Available

EINECS INVENTORY STATUS: Excluded Polymer

EC LABELING REQUIREMENTS:

EC REQUIRED SYMBOL(S): None Required
EC SAFETY PHRASES: None Required
EC RISK PHRASES: None Required

KOREAN (ECL) INVENTORY STATUS: Not Available

JAPANESE (MITI) INVENTORY STATUS: ENCs No. 7-708X

AUSTRALIAN (AICS) INVENTORY STATUS: Not Available

PHILIPPINES (PICCS) INVENTORY: Not Available

CHINESE CHEMICAL INVENTORY STATUS: Not Available

16. OTHER INFORMATION

The following has been revised since the last issue of this MSDS:
Not Available

ADDITIONAL INFORMATION: Any additional, pertinent information about this product or the MSDS itself. A legend of abbreviations used throughout the MSDS is provided in this section.

These data are offered in good faith as typical values and not as a product specification. No warranty, either expressed or implied, is made. The recommended handling procedures are believed to be generally applicable. However, each user should review these recommendations in the specific content of the intended use. Protected by U.S. Application Patents No.'s 5,833,961 and 5,989,527.

17. HAZARD ASSESSMENT

HAZARD ASSESSMENT INFORMATION:
None

SAME AS ANOTHER EXISTING PRODUCT:
N/A

OTHER INFORMATION:
None.

***** END OF MSDS *****

Appl. No. 09/753,136
Amdt. dated February 4, 2004
Reply to Office action of August 12, 2003

APPENDIX B

Materials Safety Data Sheet (MSDS) for trimethylpentanediol / adipic acid / isononanoic acid copolymer.

Available from INOLEX CHEMICAL COMPANY, Jackson & Swanson Streets,
Philadelphia, PA 19148.



MATERIAL SAFETY DATA SHEET

Product Name: LEXOREZ® TC-8
Product Id Number: 62772
Revision Date: 06/11/2003

1. CHEMICAL PRODUCT AND COMPANY IDENTIFICATION

Product Name: LEXOREZ® TC-8
Synonym(s): Trimethylpentanediol / Adipic Acid / Isononanoic Acid Copolymer

MANUFACTURED / SUPPLIED BY:

Inolex Chemical Company
Jackson & Swanson Streets
Philadelphia, PA
19148-3497
215-271-0800
215-271-2621 fax

PREPARER: Glenn Tashjian
FORMULA: Unspecified

2. COMPOSITION/INFORMATION ON INGREDIENTS

Hazardous ingredients are listed if they comprise $\geq 1.0\%$ by weight. "Special Hazardous Substances or Carcinogens" are listed if they comprise $\geq 0.1\%$ by weight.

EXPOSURE LIMITS:

PRODUCT COMPOSITION:	APPROX.	ACGIH TLV		OSHA PEL		
CAS REG NO.	WGT. %	TWA	STEL	TWA	STEL	UNITS

NON-HAZARDOUS COMPONENTS

Adipic acid, Trimethylpentanediol, Isononanoic acid Polymer						
200512-90-9	> 98%	None	None	None	None	ppm

3. HAZARDS IDENTIFICATION

EMERGENCY OVERVIEW:

No unusual safety, fire, or spill hazards. Consult following MSDS sections for further information. ** U.S. Patents No. 5,833,961 and 5,989,527 **

EFFECTS FROM ACUTE EXPOSURE:

INGESTION:

None known

SKIN CONTACT:

Non-Irritating to Skin.

INHALATION:

None known.

EYE CONTACT:

May cause minimal eye irritation.

MEDICAL CONDITIONS AGGRAVATED:

None known.

SUBCHRONIC (TARGET ORGAN) EFFECTS: An adverse effect with symptoms that develop slowly over a long period of time.

None known.

CHRONIC EFFECTS/CARCINOGENICITY:

INOLEX CHEMICAL COMPANY**LEXOREZ® TC-8**

Not listed in IARC, NTP or 29CFR.

PRODUCTS/INGREDIENTS: The ingredients that are carcinogens are listed here, with specific information about their carcinogenicity.

None

PRINCIPLE ROUTES OF EXPOSURE:

None known.

OTHER:

None known.

4. FIRST AID MEASURESINGESTION:

If swallowed, observe victim for 24 hours; seek medical attention if indicated. If vomiting occurs, keep head lower than hips to prevent aspiration.

SKIN:

For skin contact, wipe away excess material with dry towel. Then wash affected areas with plenty of water, and mild soap if available, for several minutes. Get medical attention if irritation occurs.

INHALATION:

If inhaled, remove from area to fresh air. Get medical attention if respiratory irritation develops or if breathing becomes difficult.

EYES:

In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Get medical attention if irritation occurs.

NOTE TO PHYSICIAN:

Treatment based on sound judgment of physician and individual reactions of patient.

5. FIRE FIGHTING MEASURESFLASH POINT:

> 200 C

METHOD: The test method used is listed as closed cup (PMCC TCC) or open cup (COC):
COCFLAMMABLE LIMITS IN AIR - UPPER (%): Maximum % by volume of vapor in air above which propagation of flame does not occur on contact with a source of ignition:

N/D

SENSITIVITY TO MECHANICAL IMPACT (Y/N):

NO

SENSITIVITY TO STATIC DISCHARGE:

Sensitivity to static discharge is not expected.

EXTINGUISHING MEDIA:

Water fog, carbon dioxide, foam, dry chemical

SPECIAL FIREFIGHTING PROCEDURES:

Fire-fighters should wear self-contained breathing apparatus and full protective clothing when fighting chemical fires. Use water spray to cool nearby containers and structures exposed to fire. Containers can build up pressure if exposed to heat (fire). Fire involving large amounts of material should not be approached because individual containers may rupture abruptly causing "fireball" effect.

6. ACCIDENTAL RELEASE MEASURESACTION TO BE TAKEN IF MATERIAL IS RELEASED OR SPILLED:

Wipe, scrape or soak up in an inert material and put in a container for disposal. Wash walking surfaces with detergent and water to reduce slipping hazard. Wear proper protective equipment as specified in the protective equipment section. Large quantity spills should be contained and pumped into drums for recovery or disposal.

7. HANDLING AND STORAGEPRECAUTIONS TO BE TAKEN IN HANDLING AND STORAGE:

Keep container closed when not in use. Good hygienic practices should be observed. Work clothes should be washed separately at the end of each work day. Disposable clothing should be discarded with material.

NFPA:**HMIS:**

HEALTH 0

FLAMMABILITY 1

OTHER N/A

HEALTH 0

FLAMMABILITY 1

PPE B

8. EXPOSURE CONTROLS/PERSONAL PROTECTIONENGINEERING CONTROLS:

None required.

RESPIRATORY PROTECTION EQUIPMENT:

None required under normal conditions.

PROTECTIVE GLOVES:

Use gloves as a standard industrial handling procedure.

EYE AND FACE PROTECTION:

Wear safety glasses or goggles to protect against exposure.

OTHER PROTECTIVE EQUIPMENT:

None Required

VENTILATION:

No unusual ventilation required.

9. PHYSICAL AND CHEMICAL PROPERTIES

BOILING POINT > 300 C
VAPOR PRESSURE < 0.1 mm Hg
VAPOR DENSITY (AIR=1) N/D
FREEZING POINT N/D
MELTING POINT < 25 C
PHYSICAL STATE Viscous Liquid
ODOR Characteristic Bland Odor
COLOR Clear, Light Amber
ODOR THRESHOLD (PPM) N/D
EVAP. RATE (BUTYL ACETATE=1) Negligible
POUNDS/GALLON (Water=8.3) 8.4
DENSITY @ 25°C (WATER=1) 1.01 @ 25 C
ACID/ALKALINITY (MEQ/G) N/D
PH N/A
VOC (EPA METH.24) (G/L) N/D, Polymer
SOLUBILITY IN WATER (20 C) PARTIALLY
SOLUBILITY IN ORGANIC SOLVENTS N/D
VISCOSITY: 2,000 cps @ 25 C

10. STABILITY AND REACTIVITYSTABILITY:

STABLE

HAZARDOUS POLYMERIZATION:

WILL NOT OCCUR

HAZARDOUS THERMAL DECOMPOSITION/COMBUSTION PRODUCTS:

No unusual decomposition products known.

INCOMPATIBILITY (MATERIALS TO AVOID):

None known.

CONDITIONS TO AVOID:

None known.

11. TOXICOLOGICAL INFORMATION

ACUTE ORAL LD50 (MG/KG): > 5,000 mg/Kg

ACUTE DERMAL LD50 (MG/KG): Unknown

ACUTE INHALATION LC50 (MG/L): Unknown

AMES TEST: Unknown

OTHER:

Testing on similar products was found to be of low toxicity and low irritancy to skin and eyes. This product has not been tested on animals. Toxicity information is derived from

INOLEX CHEMICAL COMPANY**LEXOREZ® TC-8**

testing conducted on similar products. Human Patch Test,RIPT, involving 50 subjects did not indicate a potential for dermal irritation or allergic contact sensitization.

12. ECOLOGICAL INFORMATIONECOTOXICOLOGICAL INFORMATION:

No data at this time

CHEMICAL FATE INFORMATION:

No data at this time.

13. DISPOSAL CONSIDERATIONSDISPOSAL METHOD:

As local regulations may vary; all waste must be disposed/recycled/reclaimed in accordance with federal, state, and local environmental control regulations.

14. TRANSPORT INFORMATION

DOT SHIPPING NAME: Non-Regulated
DOT HAZARD CLASS: Non-Regulated
DOT LABEL(S): NONE
UN/NA NUMBER: NONE
PLACARDS: NONE

INTERNATIONAL TRANSPORTATION CLASSIFICATIONS:

RID, European Railroad hazard class: Not Available
IATA, International Air Transportation: Not Available
IMDG, International Maritime Dangerous Goods: NONE

15. REGULATORY INFORMATION

TSCA STATUS: This material is manufactured for use as an additive in personal care products and is regulated under the FOOD, DRUG, and COSMETICS ACT (FDA) and is therefore, not regulated under the Toxic Substances Control Act (TSCA)... This product or some of it's components are not on the TSCA Inventory list.

SARA SECTION 302: None Found

SARA (311,312) HAZARD CLASS: NONE

SARA (313) CHEMICALS:

THIS PRODUCT DOES NOT CONTAIN A TOXIC CHEMICAL FOR ROUTINE ANNUAL 'TOXIC CHEMICAL RELEASE REPORTING' UNDER SECTION 313 (40 CFR 372)

CERCLA HAZARDOUS SUBSTANCE: Not a listed EHS

CERCLA REPORTABLE QUANTITY: No listed reportable quantity

CALIFORNIA PROPOSITION 65: NONE

INTERNATIONAL REGULATORY STATUS:

CANADIAN (DSL) INVENTORY: Not Listed on DSL or NDSL

WHMIS HAZARD CLASS: NON-CONTROLLED
WHMIS TRADE SECRET: None

EXPORT:

SCHDLE B/HTSUS: (Tariff Classification #) 3907.99.0000 (polyesters)

INOLEX CHEMICAL COMPANY

LEXOREZ® TC-8

ECCN: (Export Commodity Control Number) Not Available

EINECS INVENTORY STATUS: Not Available

EC LABELING REQUIREMENTS:

EC REQUIRED SYMBOL(S): None Required

EC SAFETY PHRASES: None Required

EC RISK PHRASES: None Required

KOREAN (ECL) INVENTORY STATUS: Not Available

JAPANESE (MITI) INVENTORY STATUS: Not Available

AUSTRALIAN (AICS) INVENTORY STATUS: Not Available

PHILIPPINES (PICCS) INVENTORY: Not Available

CHINESE CHEMICAL INVENTORY STATUS: Not Available

16. OTHER INFORMATION

The following has been revised since the last issue of this MSDS:
Not Available

ADDITIONAL INFORMATION: Any additional, pertinent information about this product or the MSDS itself. A legend of abbreviations used throughout the MSDS is provided in this section.

These data are offered in good faith as typical values and not as a product specification. No warranty, either expressed or implied, is made. The recommended handling procedures are believed to be generally applicable. However, each user should review these recommendations in the specific content of the intended use. Protected by U.S. Application Patents No.'s 5,833,961 and 5,989,527.

17. HAZARD ASSESSMENT

HAZARD ASSESSMENT INFORMATION:
None

SAME AS ANOTHER EXISTING PRODUCT:
N/A

OTHER INFORMATION:
None.

*** END OF MSDS ***